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: Judge Upholds Conviction of Former CIA Worker Who Committed Suicide  
By BRYAN BRUMLEY,

: ALEXANDRIA, Va.

A federal judge on Thursday upheld the conviction of Larry Wu-Tai Chin, who committed suicide after being found guilty last Feb. 7 of spying for China throughout his 30-year career with the CIA.

U.S. District Court Judge Robert Mehrige, in issuing the opinion, cited a letter Chin wrote to his wife before killing himself, saying he had decided not to appeal the conviction and felt "extremely tranquil."

"It seems contrary to our system of justice to allow, as defense counsel has asked, Chin to be absolved of all criminal liability because he intentionally took his life at a time when he had not been afforded a right to appeal," Mehrige wrote in a nine-page decision.

"Chin had a choice: his life or an appeal," said Mehrige. "Sadly and regrettably he chose to die and although he is unable to present his case on appeal, the court cannot help but conclude that such a choice was a conscious and deliberate one."

Defense attorney W. Gary Kohlman asked had the court to dismiss the 17-count indictment on which Chin was convicted, arguing that Chin had a right to appeal and that clearing him would relieve his family of psychological and financial burdens.

Kohlman, contacted by telephone after the decision, said he would recommend that Chin's family appeal Mehrige's order.

Mehrige found that "Chin, in all probability, would not have been successful on appeal," because during the trial he "himself took the stand and fully corroborated the government's case by presenting a complete confession to the jury,"

Moreover, in the letter to his wife, Chin said that "a letter from lawyer (Jacob Stein, another defense attorney) mentioned about an appeal. The reasons for appeal mentioned in the letter were not very strong."

"It was mentioned also that it will go the Supreme Court at the end and it may take a year and a half ... Therefore, it is better not to lodge an appeal," the letter said.

Finally, Chin wrote, "After I decided not to appeal, I feel extremely tranquil."

The full text of Chin's letter to his wife remained under court seal, although Mehrige quoted the relevant passages, the only parts of the letter so far to reach the public.